



PUBLIC NOTICE

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PUBLIC SAFETY AND HOMELAND SECURITY BUREAU APPROVES REGION 54 (SOUTHERN LAKE MICHIGAN) 700 MHZ REGIONAL PLAN

WT Docket No. 02-378

Introduction. On December 12, 2008, the Region 54 (Southern Lake Michigan)¹ 700 MHz Regional Planning Committee (RPC) (Region 54) submitted a proposed 700 MHz Public Safety Plan (Plan) for General Use² spectrum in the 769-775/799-805 MHz band for review and approval.³ For the reasons set forth below, we approve the Region 54 Plan.

Background. In 1998, the Commission established a structure to allow RPCs optimal flexibility to meet state and local needs, encourage innovative use of the spectrum, and accommodate new and as yet unanticipated developments in technology and equipment.⁴ Each of the fifty-five (55) RPCs is required to submit its plan for the General Use spectrum.⁵ The Commission's role in relation to the RPCs is limited to (1) defining the regional boundaries; (2) requiring fair and open procedures, *i.e.*, requiring notice, opportunity for comment, and reasonable consideration; (3) specifying the elements that all regional plans must include; and (4) reviewing and accepting proposed plans (or amendments to approved plans) or rejecting them with an explanation.⁶

¹ The Region 54 (Southern Lake Michigan) 700 MHz regional planning area includes 33 counties in the Lake Michigan basin area of Illinois, Indiana, and Wisconsin. The Illinois counties are Boone, Cook, De Kalb, Du Page, Grundy, Kane, Kankakee, Kendall, Lake, McHenry, Will, and Winnebago; the Indiana counties are Elkhart, Jasper, La Porte, Lake, Marshall, Newton, Porter, Pulaski, St. Joseph and Starke, and the Wisconsin counties are Dane, Dodge, Jefferson, Kenosha, Milwaukee, Ozaukee, Racine, Rock, Walworth, Washington, and Waukesha.

² The General Use spectrum is administered by RPCs and is licensed for public safety services on a site-by-site basis in accordance with the relevant Commission-approved regional plan and frequency coordination.

³ See 700 MHz Plan, submitted by Christopher Kindelspire, Secretary, Region 54, on behalf of William Carter, Region 54 Chairman, to Federal Communications Commission, WT Docket No. 02-378 (filed Dec. 12, 2008) (submitting regional plan). On June 30, 2009, to correct a typographical error, Region 54 submitted a request to amend Section 10 of the Plan. See Letter from William J. Carter, Region 54 Chairman, to Federal Communications Commission, WT Docket No. 02-378, PS Docket No. 06-229 (filed June 30, 2009) (submitting clarification statement).

⁴ See Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Agency Communication Requirements Through the Year 2010, WT Docket No. 96-86, *First Report and Order and Third Notice of Proposed Rulemaking*, 14 FCC Rcd 152 (1998) (*First Report and Order*); *Second Memorandum Opinion and Order*, 15 FCC Rcd 16844 (2000). See also 47 C.F.R. § 90.527.

⁵ See 47 C.F.R. § 90.527. Each RPC must incorporate certain common elements into its 700 MHz plan. A list of 700 MHz RPCs and region activities is available at <http://www.fcc.gov/pshs/public-safety-spectrum/700-MHz>.

⁶ *First Report and Order*, 14 FCC Rcd at 195 ¶ 87.

On July 31, 2007, the Commission adopted a *Second Report and Order* revising the rules governing wireless licenses in the 700 MHz band.⁷ The Commission adopted a plan for the 700 MHz band to establish a nationwide, interoperable public safety broadband communications network for the benefit of state and local public safety users. The Commission designated the lower half of the 700 MHz public safety band for broadband communications (763-768/793-798 MHz) and consolidated existing narrowband allocations in the upper half of the public safety 700 MHz band (769-775/799-805 MHz).

Plan Requirements. Each committee is required to submit its plan for the assignment of licenses for General Use spectrum.⁸ Each regional plan must contain certain elements⁹ and must be coordinated with adjacent regions.¹⁰ RPCs are expected to ensure that their committees are representative of all public safety entities in their regions by providing adequate notice of all meetings, opportunity for comment, and reasonable consideration of views expressed. Plans must include an explanation of how all eligible entities within the region were given such notice.¹¹ Plans should list the steps undertaken to encourage and accommodate all eligible entities to participate in the planning process, such as holding meetings in various parts of the region. In addition, a regional plan should describe outreach efforts made to tribal governments.¹²

Regional plans may differ in approaches to spectrum planning and management. In particular, some plans may make specific assignments to eligible public safety entities, while others may establish an allotment pool approach based on political boundaries such as counties.¹³ However, all 700 MHz plans submitted for review and approval must sufficiently address each of the common elements in the Commission's regional plan requirements.¹⁴ RPCs also are encouraged to consider utilizing the guidelines developed by the Public Safety National Coordination Committee (NCC).¹⁵

⁷ Implementing a Nationwide, Broadband, Interoperable Public Safety Network in the 700 MHz Band; Development of Operational, Technical and Spectrum Requirements for Meeting Federal, State and Local Public Safety Communications Requirements Through the Year 2010, PS Docket No. 06-229, WT Docket No. 96-86, *Second Report and Order*, 22 FCC Rcd 15289 (2007) (*Second Report and Order*).

⁸ See 47 C.F.R. §§ 90.527, 90.531. The 700 MHz public safety band plan contains 24 MHz of spectrum for public safety services at 763-775 MHz and 793-805 MHz, and the narrowband allocation is divided into several segments by designated purpose: General Use, Interoperability, Secondary Trunking, State License, Low Power and Reserve channels.

⁹ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84.

¹⁰ See 47 C.F.R. § 90.527; see also *First Report and Order*, 14 FCC Rcd at 190-96 ¶¶ 77-89.

¹¹ See *First Report and Order*, 14 FCC Rcd at 193-94 ¶ 84. The Commission directed RPCs to promptly adopt operating procedures that "ensure that all entities will be given reasonable notice of all committee meetings and deliberations." *Id.* at 195 ¶ 86.

¹² *Id.* at 193-94 ¶ 84.

¹³ See Plan, Appendix K – Region 54 Southern Lake Michigan County Spectrum Allocation at 94-113. Region 54 utilizes the Computer Assisted Pre-coordination Resource and Database System (CAPRAD), a spectrum management tool provided by National Institute of Justice, National Law Enforcement and Corrections Technology Center. Access to the CAPRAD system is available at <http://caprad.nlectc.du.edu>.

¹⁴ See 47 C.F.R. § 90.527.

¹⁵ The NCC was a federal advisory committee established by the Commission in 1999 to address and advise the Commission on operational and technical parameters for use of the 700 MHz public safety band. In addition, the NCC was tasked with providing voluntary assistance in the development of coordinated regional plans, and developed a *Regional Planning Guidebook*. Following the sunset of the NCC's charter on July 25, 2003, the

Review of the Region 54 700 MHz Plan. Region 54 convened its first meeting on February 24, 2000,¹⁶ wherein it elected its chairman and other committee officers, and established five subcommittees: Implementation, Interoperability, Membership, Rules and Technical. The Plan includes By-laws,¹⁷ a detailed membership list,¹⁸ meeting notices and summaries.¹⁹ The Plan describes the procedures for requesting spectrum allotments²⁰ and frequency coordination,²¹ details the application review and scoring process,²² and outlines system implementation criteria and spectrum utilization.²³ The Indiana, Illinois and Wisconsin State Interoperability Executive Committees (SIECs) administer the interoperability channels.²⁴ In addition, the Plan provides guidelines for use of low power channels²⁵ and addresses the continued usage of the CAPRAD system.²⁶ The Region 54 Chair has certified that all planning meetings were open to the public, pursuant to 47 C.F.R. § 90.531(a)(8).²⁷

The Region 54 Plan pre-allocates the consolidated narrowband General Use spectrum by county.²⁸ The Plan was coordinated with all four adjacent regions to Region 54: Region 13 (Illinois), Region 14 (Indiana), Region 21 (Michigan) and Region 45 (Wisconsin).²⁹

National Public Safety Telecommunications Council (NPSTC) agreed to continue to provide assistance to regional planners. A copy of the 700 MHz Regional Planning Guidebook is available at the NPSTC website at <http://www.npstc.org/nccsubcom.jsp>.

¹⁶ See Plan, Section 1.6 – Notification Process at 4.

¹⁷ See Plan, Appendix A – By-Laws of Region 54 at 33-39.

¹⁸ See Plan, Appendix B – Region 54 Membership Roster at 40-41.

¹⁹ See Plan, Appendix E – Meeting Minutes and Comments.

²⁰ See Plan, Section 8 – Allocation of General Use Spectrum at 24-25 (applications will be processed on a first-come, first-served basis and tracked in the CAPRAD system).

²¹ See Plan, Section 5 – Application Flow Chart, Figure 2: Coordination (detailing application requirements, RPC and licensee responsibilities) at 18.

²² See Plan, Section 9 – An Explanation of How Priorities Were Assigned When Not All Eligible (evaluation matrix point system) at 119-122.

²³ See Plan, Section 12 – A Detailed Description of How the Plan Put Spectrum to the Best Possible Use at 30-31 (applicants are required to design systems to maximize spectrum utilization, e.g., utilizing simulcast or spectrum efficient technology).

²⁴ See Plan, Section 6.0 – Utilization of Interoperability Channels at 19-23 (reviews use of calling channels and tactical channels (EMS, Fire, Law); see also Plan, Appendix F – Table of 700 MHz Interoperability Channels at 46-50 (includes list of low power channels addressing service assignments, effective radiated power (ERP) and antenna height limitations); 47 C.F.R. § 90.531(b)(3) (narrowband low power channels subject to regional planning).

²⁵ See Plan, Section 6.0 – Utilization of Interoperability Channels at 19-23; see also 47 C.F.R. § 90.531(b)(3) (narrowband low power channels subject to regional planning); Section 90.531(b)(4) (narrowband low power and low power itinerant channel transmissions limited are to an ERP of no more than two (2) watts).

²⁶ See Plan, Executive Summary at 4 (Region 54 will utilize the CAPRAD system to maintain its Plan, applications and assignments).

²⁷ See Plan, Section 14 – Certification at 32.

²⁸ See Plan, Appendix K – Region 54 Southern Lake Michigan County Spectrum Allocation at 94-113. Appendix K includes a list of the General Use channels, and for reference also lists the State License pool allotments available within the geographic boundaries of the tri-state Region 54 regional planning area.

On May 14, 2009, the Bureau released a *Public Notice* seeking comment on the Region 54 Plan.³⁰ We received no comments on the plan. Based on our review of the plan, we conclude that it complies with FCC rules and policies. Accordingly, pursuant to Section 4(i) of the Communications Act of 1934, as amended, 47 U.S.C. § 154(i), and Section 1.102(b) of the Commission's rules, 47 C.F.R. § 1.102(b), the Region 54 (Southern Lake Michigan) 700 MHz Public Safety Plan is APPROVED.

This action is taken under delegated authority pursuant to Sections 0.191 and 0.392 of the Commission's rules, 47 C.F.R. §§ 0.191, 0.392.

Action by the Chief, Policy Division, Public Safety and Homeland Security Bureau.

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²⁹ See Plan, Appendix J – Adjacent Region Concurrence Letters (also included are signed Inter-Regional Coordination Procedures and Dispute Resolution Agreements from each adjacent region) at 75-92.

³⁰ See Public Safety and Homeland Security Bureau Seeks Comments on Region 54 (Southern Lake Michigan) 700 MHz Regional Planning Committee Proposed Public Safety Plan, PS Docket No. 06-229, WT Docket No. 02-378, *Public Notice*, 24 FCC Rcd 5614 (PSHSB 2009). Comments were due June 3, 2009, and reply comments were due June 15, 2009.